IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7613 of 2007()

CRMP.1080/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CMP.2786,2830/2007 of J.M.F.C.-III,KOZHIKODE
CRIME NO.201/07 OF KAKKUR POLICE STATION

.....

: PETITIONER/ACCUSED NO.4

V.E.RIYAS, S/O.IBRAHIMKUTTY, AGED 19
YEARS, VANCHIPURAKKAL, KONGATTUPARAMBU HOUSE,
IDAPPALLY NORTH, KUNNUMPURAM, ERNAKULAM.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007 ALONG WITH B.A.NO.7614 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7613 OF 2006

Dated this the 10th day of July, 2007

ORDER

Application for anticipatory bail. When this application came up for hearing, the learned Public Prosecutor, on behalf of the respondents, submits that the respondents have no intention of arresting the petitioner in the crimes, the investigation into the crimes having already been ordered to be transferred to the C.B.I. as per the judgment of a Division Bench of this Court in W.P.(c) No.12968/07 dated 25/5/07. The learned counsel for the petitioner submits and the said submission and undertaking of the learned Public Prosecutor is taken note of and recorded that the respondents shall not arrest the petitioner. In the light of that submission, the apprehension of the petitioner is found to be baseless and non-

existent now. No directions under Sec.438 of the Cr.P.C. need, in these circumstances, be issued against the respondents and in favour of the petitioner. Needless to say, if another investigating agency takes over and there is an apprehension of arrest, the petitioner can approach this Court again later with a request under Sec.438 of the Cr.P.C.

2. In the result, this petition is dismissed as agreed without any fetter on the right of the petitioner to approach this Court or the Sessions Court for anticipatory bail at any later stage.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge